

**REMARKS**

Claims 1-8 have been examined. Claims 1-4 and 6-8 have been rejected under 35

U.S.C. § 102(e), and claim 5 has been rejected under 35 U.S.C. § 103(a).

**I. Preliminary Matters**

The Examiner has not acknowledged the drawings filed on September 24, 2001.

Therefore, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether the drawings are acceptable.

**II. Rejections under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1-4 and 6-8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0081747 to Jacobs et al. ("Jacobs").

**A. Claim 1**

Claim 1 recites that the fixed volume chamber has a constant cross-sectional area throughout its length.

The Examiner maintains that Jacobs discloses the features of claim 1. However, all of the cavities of Jacobs are shown to have a tapered shape, i.e. Fig. 7, or a cross-sectional area that varies throughout its length, i.e. Fig. 3. Therefore, Applicant submits that Jacobs fails to disclose the claimed fixed volume chamber recited in claim 1.

In addition, Jacobs discloses a probe structure for mixing blood after the blood is channeled from a narrower cavity to a wider cavity. Jacobs fails to teach or suggest a quantitative suction tip having a fixed volume chamber provided at a suction end of the tip.

Based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

**B. Claims 2, 3, 4 and 6-8**

Since claims 2-4 and 6-8 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**III. Rejection under 35 U.S.C. § 103(a)**

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Jacobs in view of U.S. Patent No. 6,592,825 to Pelc et al. ("Pelc").

However, claim 5 incorporates the suction tip of claim 1. Accordingly, Applicant submits that claim 5 is patentable at least by virtue of its incorporation of claim 1.

Amendment under 37 C.F.R. § 1.116  
U.S. Application No. 09/960,341

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

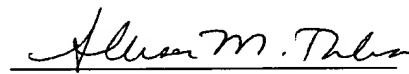
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

  
Allison M. Tulino  
Registration No. 48,294

Date: December 16, 2004